



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/722,834

11/26/2003

Dar-Shyang Lee

15358-008700

8170

20350

7590

01/21/2009

TOWNSEND AND TOWNSEND AND CREW, LLP

TWO EMBARCADERO CENTER

EIGHTH FLOOR

SAN FRANCISCO, CA 94111-3834

EXAMINER

TAYLOR, NICHOLAS R

ART UNIT

PAPER NUMBER

2441

MAIL DATE

DELIVERY MODE

01/21/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

1. Claims 1-52 were presented for examination and were rejected.

Response to Arguments

2. Applicant's arguments filed January 12th, 2009 have been fully considered but they are deemed not persuasive.
3. In the remarks, Applicant argued in substance that:

(A) The prior art of Hind does not teach storing the first request in the notes document. The refresh response header in Hind is not the request, but is instead a response to a portal page request. Additionally, the prior art of Hind does not teach determining whether information is accessible to the note-taking device, as Hind is concerned with determining whether information is accessible to the server.

As to point (A), Hind teaches determining if the portion of the first information requested by the first request is accessible to the device (Hind, see paragraphs 0031-0033 and figs. 2A-2C, 3A, and 3B) and storing the first request in the notes document upon determining that the portion of the first information requested by the first request is not accessible to the device (Hind, paragraphs 0031-0033 where the request is stored in the document if the portion of the first information is not available; see also visual

representation in fig. 3A). Applicant appears to characterize the request in Hind as a response because information transfers (e.g., header information) may occur during the request. However, no limiting language is present in the independent claim that more precisely defines the boundaries of what constitutes a "request." As such, the claim language is given its broadest reasonable interpretation. As to the argument that Hind determines only what is accessible to the server and not to note-taking device, the Examiner respectfully asserts, without conceding to the presented interpretation of Hind, that whatever is not available to the portal server is accordingly inaccessible to the note-taking device.

Claim Rejections - 35 USC § 102

4. The rejections under 35 U.S.C. 102(e) as applied to the claims are unchanged and are recited in the previous FINAL office action.

Claim Rejections - 35 USC § 103

5. The rejections under 35 U.S.C. 103(a) as applied to the claims are unchanged and are recited in the previous FINAL office action.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Taylor whose telephone number is (571) 272-

3889. The examiner can normally be reached on Monday-Friday, 8:00am to 5:30pm, with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/NT/
Nicholas Taylor
Examiner
Art Unit 2441